1952.

File No. B. Beggars/52

Legal Dept.

13 BRANCH

Subject:— L. A. Bill No. XXII of 1952

The Bombay Beggars (Amendment)

Bill 1952

Bom. Act No. XXI of 1952

P. 12

Legal Department.

A requisite draft Bill is sent herewith.

2. As suggested by the Chief Inspector of Certified Insituttions, in his memorandum at page 9, it is proposed by the Home Department to insert a provisionin the Bombay Beggars Act, 1945, on the lines of section 98 of the Bomba Children Act, 1948. The object of a provision similar to section 98 of the Bombay Chilcren Act, 1948, seems to be t relieve overcrowding of beggars in the certified institutions of the State. If that is the object it can be achieved by resort to section 27 of the Bombay Beggars Act, 1945. It is not, therefore, clear why a provision for reciprocal arrangement on the lines of section 98(1) of the Bombay Children Act, is necessary. If, however, the intention is that provision should also be made for reciprocal arrangement then it would be nece - ssary to amend section 27 of the Bombay Beggars Act as indicated in the draft Bill.

3. The subject-matter of the Bill falls under entries 4 and 9 of List II in the Seventh Schedule to the Constitution. The Bill does not require any sanction but may re uire Governor's recommendation under article 207(3) of the Constitution.

Sd/- J.R.Dhurandhar

O.C. 14/2

Additional Secretary to Governmen

U.R. to H.D., No. 2538, dated the 16th February 1952

Mjr/2/7

4 Cs.

Legal Department.

A revised consolidated draft Bill is sent herewith.

Clause 2.- It is intended to make an amendment consequnetial to the deletion of section 23.

Clause 3.- It is intended to make the necessary provision in the Beggars Act proposed in the linked file No. K 5128/6, on the lines of section 90 of the Bombay Children Act, 1948. The Department may verify whether the draft amendment carries out the intention.

Clause 5.- It is presumed that a provision for reciprocal arrangement on the lines of section 98(1) of the Children Act is considered necessary by the Department and section 27 is to be amended as indicated in the draft Bill furnished to the Department with U.R. no. 2538 dated 16th February 1952.

Clause 7.- This caluse contains amendment consequential to clause 3.

Sd/- J.R.Dhurandhar

o.c. 31/3

Additional Secretary to Government.

U.R. to H.D., No. 4982. dated the 1st April 1952

r/2/7

4 Cs.

No. 15074/B
Legal Department,
Bombay Castle, 15th September 1952.

From
Shri J.R.Dhurandhar,
Additional Secretary to the Government of Bombay.

To
The Secretary to the Governor of Bombay,

Subject:- The Bombay Beggars (Amendment) Bill, 1952.

Sir,

With reference to article 200 of the Constitution of India I am directed to forward herewith for the assent of the Governor the authentic copy of the Bombay Beggars (Amendment) Bill,1952 which was read for the third time and passed at the meetings of the Bombay Legislative Assembly and the Bombay Legislative Council held on the 26th July 1952 and the 20th August 1952, respectively.

2. The subject-matter of the Bill falls under entries 34 and 9 in List II in the Seventh Schedule to the Constitution of India. It is not necessary to reserve the Bill for the consideration of the President with reference to any article of the Constitution of India.

3. The date on which the Governor's assent is given may kindly be entered in the endorsement.

4. I also forward herewith one copy of each of the items

1. Bill as introduced in the Bombay Legislative Assembly with the Statement of Objects and Reasons	Nos. 1.2 and 4 and two copies of
2. Bill as read for the third time and passed by the Bombay Legislative Assembly and as introduced in the Bombay Legislative Council.	
3. Bill as read for the third time and passed by the Bombay Legislative Council.	
4. Extracts from the proceedings of the Bombay Legislative Assembly, dated the 26th July 1952 and of the Bombay Legislative Council, dated the 20th August 1952.	

item No. 3 of the papers noted in the margin. The Bill was not referred to a Select Committees.

Yours faithfully,
Sd/- J.R.Dhurandhar
15/9
Additional Secretary to Government.

o.c.

Copy forwarded with compliments to the Secretary to the Government of Bombay, Home Department.

Mjr/2/7
4 Cs.

No. G.S. 2863

From

THE SECRETARY TO THE GOVERNOR OF BOMBAY

To

The Additional Secretary to Government,
Legal Department,
Secretaryat, Bombay. 1.

Subject:- The Bombay Beggars (Amendment) Bill, 1952

RAH BHAVAN
Ganeshkhind, September 17th, 1952
Poona, 7.

Sir,

With reference to your letter No. 16074/B, dated September 16, 1952 , I am directed to return herewith the authentic copy of the Bombay Beggars (Amendment) Bill, 1952 with the Governor's assent signified thereon.

Yours faithfully

Sd/-

Secretary to the Governor of

Bombay

Mjr/2/7

4 Cs.

GOVERNMENT OF BOMBAY
Legal Department,
Resolution No. 15494/B
Bombay Castle, 20th September 1952

Letter to the Secretary to the Governor, No. 15074/B, dated the 15th September 1952.

Letter from the Secretary to the Governor, No. G.S. 2863, dated the 17th September 1952.

"With reference to your letter No. 15074/B, dated September 15, 1962, I am directed to return herewith the authentic copy of the Bombay Beggers (Amendment) Bill, 1952 with the Governor's assent signigied thereon."

RESOLUTION: The law shouldbe published as Bombay Act No. XXI of 1952 in the Bombay Government Gazette dated the 20th September 1952.

2. The Act should be translated into Marathi, Gujarati, Kannada and Hindi (in Devnagari script) and the translations should be published in the Bombay Government, Gazette.

3. A copy of the Act should be forwarded to the Home Department.

By order of the Governor of Bombay

Sd/- S.W.Dhurandhar
20/9/52

S.W, DHURANDHAR,

Assistant Secretary to Government.

To

The Manager, Government Central Press, Bombay (with a copy of the Act and with a request that 30 Gazette copies of the Act may be forwarded to the Legal Department and 10 copies to the Home Department),
The Home Department ,
*The Examiner of Books and Publications,
The Bombay Legislature Department,
The Director of Publicity, Bombay,
The Liaison Officer for the Secretariat, Bombay.
} with a copy of the Act.

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* With four extra vopies of the Act.

Mjr/2/7
4 Cs.

REGISTERED No. B-1

The

Bombay Government Gazette

PUBLISHED BY AUTHORITY

SATURDAY, 21ST JUNE 1952.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V

[To be translated into Marathi, Gujarati, Kannada and Hindi (in Devnagari script) and the translations to be published in the "Bombay Government Gazette". The dates of publication to be reported.]

The following Bill is published under the proviso to rule 80 of the Bombay Legislative Assembly Rules :—

L. A. BILL No. XXII OF 1952.

A Bill to amend the Bombay Beggars Act, 1946.

Bom. XXIII of 1945.

WHEREAS it is expedient to amend the Bombay Beggars Act, 1945, for the purposes hereinafter appearing; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Bombay Beggars (Amendment) Act, 1952.

Amendment of section 5 of Bom. XXIII of 1945.

Bom. XXIII of 1945.

2. In section 5 of the Bombay Beggars Act, 1945 (hereinafter referred to as the said Act), in sub-section (*4*), the words and figures beginning with the words "The Court shall also" and ending with the words "hereinafter provided." shall be deleted.

Insertion of new section 6A in Bom. XXIII of 1945.

3. After section 6 of the said Act, the following section shall be inserted, namely :—

Contribution of parents.

" 6A. (*1*) The Court, which makes an order for the detention of any person (hereinafter called the said person) in a Certified Institution under section 5 or 6, may make an order on the parent or other person liable to maintain the said person to contribute to his maintenance, if able to do so, in the prescribed manner.

(*2*) The Court before making any order under sub-section (*1*) shall inquire into the circumstances of the parent or other person liable to maintain the said person and shall record evidence, if any, in the presence of the parent or such other person, as the case may be.

(*3*) Any order made under this section may be varied by the Court on an application made to it by the party liable or otherwise.

(*4*) Any order made under this section may be enforced in the same manner as an order under section 488 of the Code of Criminal Procedure, 1898." V of 1898.

Deletion of section 23 of Bom. XXIII of 1945.

4. Section 23 of the said Act shall be deleted.

Amendment of section 27 of Bom. XXIII of 1945.

5. Section 27 of the said Act shall be renumbered as sub-section (*1*) of that section, and after sub-section (*1*) as so renumbered, the following new sub-section shall be inserted, namely :—

" (*2*) The State Government may, in consultation with the Superintendent of any Certified Institution, consent to the transfer to that Institution of any person in respect of whom an order of detention has been made by a competent authority in any other part of India of the nature of an order under this Act directing him to be detained in a Certified Institution or institution of a like nature and upon such transfer, the provisions of this Act shall apply to such person."

Amendment of section 29 of Bom. XXIII of 1945.

6. In section 29 of the said Act, for the figures and word ", 9 and 23 " the word and figure " and 9 " shall be substituted.

Amendment of section 33 of Bom. XXIII of 1945.

7. In section 33 of the said Act, after clause (*aa*) of sub-section (*2*), the following clause shall be inserted, namely :—

" (*ab*) the manner in which contribution for the maintenance of a person detained in a Certified Institution may be ordered to be paid under sub-section (*1*) of section 6A ; "

Amendment of section 57 of Bom. XXII of 1951.

8. In section 57 of the Bombay Police Act, 1951, in clause (*b*), the word and figures " or 23 " shall be deleted. Bom. XXII of 1951.

STATEMENT OF OBJECTS AND REASONS.

The provisions contained in section 23 of the Bombay Beggars Act, 1945, discriminate against beggars born and domiciled outside this State. It is, therefore, proposed to delete this section and to make consequential amendments in the Act.

2. Section 27 contains a provision to transfer persons detained in Certified Institutions of this State to similar institutions in other States. But there is no corresponding provision in the Bombay Beggars Act on the lines of section 98(*1*) of the Bombay Children Act, 1948, to enable other States to transfer persons detained in their Certified Institutions to similar institutions in this State. It is, therefore, proposed to make the necessary provision which would enable reciprocal arrangements to be made and would be helpful in transferring beggars belonging to other States to Certified or similar institutions in their respective States.

3. It is also proposed to place a legal liability on at least near relatives like parents or other persons liable to maintain a beggar, for making contribution towards the payment of maintenance charges in respect of beggar inmates for the period of their detention in Certified Institutions.

4. The proposed legislation is intended to achieve these objects.

Dated the 17th June 1952. (Signed) MORARJI DESAI.

By order of the Governor of Bombay,

J. R. DHURANDHAR,
Additional Secretary to the Government of Bombay,
Legal Department.

Bombay, dated the 21st June 1952.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

L. A. BILL No. XXII OF 1952.

A Bill to amend the Bombay Beggars Act, 1945.

(As read for the third time and passed by the Legislative Assembly on the 26th July 1952.)

Bom. XXIII of 1945.

WHEREAS it is expedient to amend the Bombay Beggars Act, 1945, for the purposes hereinafter appearing; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Bombay Beggars (Amendment) Act, 1952.

Amendment of section 5 of Bom. XXIII of 1945.

Bom. XXIII of 1945.

2. In section 5 of the Bombay Beggars Act, 1945 (hereinafter referred to as the said Act), in sub-section (*4*), the words and figures beginning with the words "The Court shal lalso" and ending with the words "hereinafter provided." shall be deleted.

MO-V Bk Hb 177

Insertion of new section 6A in Bom. XXIII of 1945.

3. After section 6 of the said Act, the following section shall be inserted, namely :—

Contribution of parents.

" 6A. (*1*) The Court, which makes an order for the detention of any person (hereinafter called the said person) in a Certified Institution under section 5 or 6, may make an order on the parent or other person liable to maintain the said person to contribute to his maintenance, if able to do so, in the prescribed manner.

(*2*) The Court before making any order under sub-section (*1*) shall inquire into the circumstances of the parent or other person liable to maintain the said person and shall record evidence, if any, in the presence of the parent or such other person, as the case may be.

(*3*) Any order made under this section may be varied by the Court on an application made to it by the party liable or otherwise.

(*4*) Any order made under this section may be enforced in the same manner as an order under section 488 of the Code of Criminal Procedure, 1898." V of 1898.

Deletion of section 23 of Bom. XXIII of 1945.

4. Section 23 of the said Act shall be deleted.

Amendment of section 27 of Bom. XXIII of 1945.

5. Section 27 of the said Act shall be renumbered as sub-section (*1*) of that section, and after sub-section (*1*) as so renumbered, the following new sub-section shall be inserted, namely :—

" (*2*) The State Government may, in consultation with the Superintendent of any Certified Institution, consent to the transfer to that Institution of any person in respect of whom an order of detention has been made by a competent authority in any other part of India of the nature of an order under this Act directing him to be detained in a Certified Institution or institution of a like nature and upon such transfer, the provisions of this Act shall apply to such person."

Amendment of section 29 of Bom. XXIII of 1945.

6. In section 29 of the said Act, for the figures and word ", 9 and 23 " the word and figure " and 9 " shall be substituted.

Amendment of section 33 of Bom. XXIII of 1945.

7. In section 33 of the said Act, after clause (*aa*) of sub-section (*2*), the following clause shall be inserted, namely :—

" (*ab*) the manner in which contribution for the maintenance of a person detained in a Certified Institution may be ordered to be paid under sub-section (*1*) of section 6A ; "

Amendment of section 57 of Bom. XXII of 1951.

8. In section 57 of the Bombay Police Act, 1951, in clause (*b*), the word and figures " or 23 " shall be deleted. Bom. XXII of 1951.

STATEMENT OF OBJECTS AND REASONS.

The provisions contained in section 23 of the Bombay Beggars Act, 1945, discriminate against beggars born and domiciled outside this State. It is, therefore, proposed to delete this section and to make consequential amendments in the Act.

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3. It is also proposed to place a legal liability on at least near relatives like parents or other persons liable to maintain a beggar, for making contribution towards the payment of maintenance charges in respect of beggar inmates for the period of their detention in Certified Institutions.

4. The proposed legislation is intended to achieve these objects.

Dated the 17th June 1952. MORARJI DESAI.

Government of Bombay

LEGAL DEPARTMENT

[L. A. BILL No. XXII OF 1952.]

(As read for the third time and passed by the Legislative Assembly on the 26th July 1952.)

A Bill to amend the Bombay Beggars Act, 1945.

[Shri MORARJI DESAI, M.L.A.]

OMBAY: PRINTED AT THE GOVERNMENT CENTRAL

REGISTERED No. B-1

The

Bombay Government Gazette

PUBLISHED BY AUTHORITY

SATURDAY, 20TH SEPTEMBER 1952.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV

Acts of the Bombay Legislature and Ordinances promulgated and Regulations made by the Governor.

CONTENTS.

PAGES

BOMBAY ACT No. XXI OF 1952—An Act to amend the Bombay Beggars Act, 1945. 76-77

The following Act of the Bombay Legislature having been assented to by the Governor on the 16th September 1952 is hereby published for general information.

S. L. CHAUDHARI,
Deputy Secretary to the Government of Bombay,
Legal Department.

BOMBAY ACT No. XXI OF 1952.

(First published, after having received the assent of the Governor, in the "Bombay Government Gazette" on the 20th September 1952.)

An Act to amend the Bombay Beggars Act, 1945.

Bom. XXIII of 1945.

WHEREAS it is expedient to amend the Bombay Beggars Act, 1945, for the purposes hereinafter appearing; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Bombay Beggars (Amendment) Act, 1952.

Amendment of section 5 of Bom. XXIII of 1945.

Bom. XXIII of 1945.

2. In section 5 of the Bombay Beggars Act, 1945 (hereinafter referred to as the said Act), in sub-section (*4*), the words and figures beginning with the words "The Court shall also" and ending with the words "hereinafter provided." shall be deleted.

Insertion of new section 6A in Bom. XXIII of 1945.

3. After section 6 of the said Act, the following section shall be inserted, namely :—

Contribution of parents.

"6A. (*1*) The Court, which makes an order for the detention of any person (hereinafter called the said person) in a Certified Institution under section 5 or 6, may make an order on the parent or other person liable to maintain the said person to contribute to his maintenance, if able to do so, in the prescribed manner.

(*2*) The Court before making any order under sub-section (*1*) shall inquire into the circumstances of the parent or other person liable to maintain the said person and shall record evidence, if any, in the presence of the parent or such other person, as the case may be.

(*3*) Any order made under this section may be varied by the Court on an application made to it by the party liable or otherwise.

(*4*) Any order made under this section may be enforced in the same manner as an order under section 488 of the Code of Criminal Procedure, 1898." V of 1898.

Deletion of section 23 of Bom. XXIII of 1945.

4. Section 23 of the said Act shall be deleted.

Amendment of section 27 of Bom. XXIII of 1945.

5. Section 27 of the said Act shall be renumbered as sub-section (*1*) of that section, and after sub-section (*1*) as so renumbered, the following new sub-section shall be inserted, namely :—

"(*2*) The State Government may, in consultation with the Superintendent of any Certified Institution, consent to the transfer to that Institution of any person in respect of whom an order of detention has been made by a competent authority in any other part of India of the nature of an order under this Act directing him to be detained in a Certified Institution or institution of a like nature and upon such transfer, the provisions of this Act shall apply to such person."

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6. In section 29 of the said Act, for the figures and word ", 9 and 23" the word and figure " and 9 " shall be substituted.

Amendment of section 33 of Bom. XXIII of 1945.

7. In section 33 of the said Act, after clause (*aa*) of sub-section (*2*), the following clause shall be inserted, namely :—

"(*ab*) the manner in which contribution for the maintenance of a person detained in a Certified Institution may be ordered to be paid under sub-section (*1*) of section 6A ; "

Amendment of section 57 of Bom. XXII of 1951

8. In section 57 of the Bombay Police Act, 1951, in clause (*b*), the word and figures " or 23 " shall be deleted. Bom. XXII of 1951.

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.